

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYNTHIA L. BAUMGARTNER,	)	
	)	
	)	
Plaintiff,	)	No. 2:21-CV-01697-JHC
	)	
v.	)	ORDER DENYING PLAINTIFF’S
	)	MOTION TO REMAND
STATE FARM MUTUAL AUTOMOBILE	)	
INSURANCE COMPANY; LINDA FRIAS	)	
AND “JOHN DOE” FRIAS,	)	
	)	
Defendants.	)	

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This matter comes before the Court on Plaintiff’s Motion to Remand. Dkt. # 47.

Defendant State Farm Mutual Automobile Insurance Company opposes the motion. Dkt. # 50.

Plaintiff did not reply to State Farm’s response. The Court has considered the materials filed in support of, and in opposition to, the motion, as well as the balance of the case file. Being fully advised, for the reasons argued by State Farm—including that the motion is untimely under 28 U.S.C. § 1447(c)—the Court DENIES the motion.

Also, the Court is troubled by what appear to be misrepresentations in the motion. It states, “Ms[.] Baumgartner filed suit against State Farm *and Ms[.] Frias* on November 20, 2021 in King County Washington Superior Court.” Dkt. # 47 (emphasis added). But in November 2021, Plaintiff had brought suit against *only* State Farm. Dkt. # 1, Exh. A. Linda Frias was not

1 added as a defendant until July 5, 2022, Dkt. # 20, well over half a year after State Farm  
2 removed this action to federal court, Dkt. #1. The motion states, “State Farm removed this case  
3 before Baumgartner had adequate time to locate and serve Defendant Frias and serve the  
4 Summons and Complaint[.]” Dkt. # 47. But at the time of removal, Frias had not been named  
5 as a defendant. Dkt. # 1. The Court cannot tell whether merely mistaken beliefs led to these  
6 apparent misrepresentations. However, the Court takes this opportunity to remind counsel of  
7 the obligations of the Washington Rules of Professional Conduct, including RPC 3.3 (Candor  
8 Toward the Tribunal).  
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10 DATED this 19th day of December, 2022.

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13 JOHN H. CHUN

14 United States District Court Judge  
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